

## REMARKS

Applicant has elected to refile the subject application as a continuation application for the purpose of expediting the patent application process. The new claims presented contain only those limitations of previous claims as follows:

New Claim	Original Claim
21	2
22	3
24	4
27	7
28	8
29	9
33	12
34	13
35	14
39	17
40	18
41	19

Accordingly, this amendment does not narrow the scope of claims 2-4, 7-9, 12-14 or 17-19 within the meaning of *Festo*.

In the Final Action mailed January 23, 2001, in the parent application, claims 2, 3, 4, 7, 8, 9, 12, 13, 14, 17, 18 and 19 were rejected based on a combination of the admitted prior art and one or more references including Kata et al U.S. Patent 5,901,303. The Kata et al patent and the subject application are commonly owned. The Kata et al patent lists NEC Corporation on its face. An assignment of the parent application from which the subject continuation application derives, was recorded in the USPTO on December 28, 1998, at Reel 9695, Frame 0025. A copy of the Notice of Recordation of


Assignment is enclosed for the Examiner's ready reference. The subject application was copending with the Kata et al patent.

In view of the copending of the subject application and the Kata et al patent and the common ownership as above established, the recent change to 35 USC § 103(c), and with the refiling of this application as a CPA after November 29, 1999, the Kata et al patent is disqualified as prior art in this case. (See, MPEP 706.02(I)(1). Thus, the art rejection of the claims cannot be maintained.

Having dealt with all the objections raised by the Examiner, it is believed that the application now is in order for allowance. Early and favorable action is respectfully requested.

The filing fees have been calculated based on the claims as amended. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway  
Attorney for Applicant  
Reg. No. 24,315

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Date of Deposit April 23, 2001

I hereby certify that this paper and the papers listed thereon are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, DC 20231.

Signature of Person Mailing Kristine Stevens

Name of Person Mailing Kristine Stevens  
cb